



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: WU et al.

Examiner: Therese Barber

Serial No.: 10/010815

Group Art Unit: 2882

Filed: November 13, 2001

Docket No.: 00980.1078-US-01

Title: POLARIZATION BEAM SEPARATOR AND COMBINER

CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on March 12, 2003.

Iain A. McIntyre
Name

Iain A. McIntyre
Signature

Assistant Commissioner for Patents
Washington, D.C. 20231

- ☒ Response to Restriction Requirement
- ☒ Transmittal Sheet
- ☒ Return postcard

Authorization is hereby given to charge any additional fees or credit any overpayments that may be deemed necessary to Deposit Account Number 50-1038.

Respectfully submitted,

Altera Law Group, LLC



Date: March 12, 2003

By:

Iain A. McIntyre
Iain A. McIntyre
Reg. No. 40,337
IAM/vlb

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PATENT

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G. Sturdy
2-21-03

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Name

[Signature]
Signature

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Restriction Requirement dated February 12, 2003, Applicants hereby elect Group I, with traverse. The claims for Groups I and II were incorrectly identified in the Restriction Requirement. It was stated that Group II included claims 45-47 and 49-51, drawn to optical communications systems. Applicants respectfully point out that claims 49-51 depend from claim 48, which has been classified in class 385, subclass 11 and lies in Group I. Claims 49-51 are not system claims and, therefore, should be classified in class 359, subclass 156. Accordingly, Group I should be drawn to claims 1-44, and 48-60.

Furthermore, Applicants respectfully assert that the reasons for the restriction are improper. It is stated that Groups I and II are related as mutually exclusive species in an intermediate-final product relationship. It is further stated that the search required for Group I is not required for Group II. This is incorrect. Group I is directed to optical devices, and Group II is directed to optical systems that contain the optical devices that are the subject matter of some of the claims in Group I. Accordingly, they are not

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mutually exclusive species, but are related as combination/sub-combination.
Furthermore, since the elements of some of the claims of Group I are found in the claims of Group II, the searches for the two groups would necessarily overlap, and there would be no undue burden on the Examiner to search both groups.

There is also a requirement to elect species. Five species were identified, namely:

Species 1 - Figure 5

Species 2 - Figure 6

Species 3 - Figure 7

Species 4 - Figure 8

Species 5 - Figure 10.

It was stated that none of the claims is considered to be generic.

Applicants hereby select Species 2, drawn to Figure 6, with traverse. The following claims are readable on Species 2: 1-8, 10, 11, 25 - 33, 35-41, 48-51, 56-60.

It is stated that no claims are considered to be generic. Applicants respectfully disagree: claims 33 and 60 read on all the Species identified by the Examiner and are, therefore, generic.

Any questions regarding this communication should be directed to the undersigned attorney at 952-253-4110.

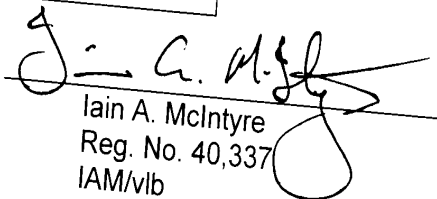
Respectfully submitted,

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